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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOHN A. SEAGRAVE, 08B2458,

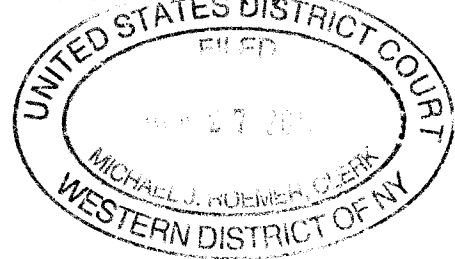
Plaintiff,

-v-

ROBERT KOCH,

Defendant.

DECISION AND ORDER
10-CV-6432L(P)



By Order dated August 3, 2010, plaintiff was directed to amend his complaint or it would be dismissed (Docket # 3). Plaintiff failed to amend his complaint or otherwise respond by the Court's deadline of September 7, 2010. The Court directed plaintiff to show cause why his action should not be dismissed for failure to comply with the Court's Order. Plaintiff then requested an extension of time to amend his complaint, which was granted. Plaintiff again failed to amend his complaint within the time provided. During part of this time, plaintiff was apparently released on parole. Plaintiff is now again in Department of Corrections custody. Plaintiff responded to another Order to Show Cause by requesting another extension of time. He has now submitted to the Court an unnecessary application for poor person status, but no amended complaint (Docket # 11).

Plaintiff is granted one additional opportunity to amend his complaint by **May 25, 2011**. If plaintiff fails to amend his complaint in the manner directed by the Court's August 3, 2010 Order, the complaint will be dismissed **with prejudice** pursuant to Fed. R. Civ. P. 41(b). The Clerk of Court is directed to send plaintiff, with a this Order, a copy of the original complaints, a copy of this Court's Order of August 3, 2010, a blank § 1983 complaint form, and the instructions for preparing an amended complaint.

IT IS SO ORDERED.



HONORABLE RICHARD J. ARCARA
DISTRICT COURT

Dated:

April 25, 2011